

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

AMERICAN IODINE COMPANY, INC.,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION NO. 4:20-CV-582-SDJ
	§	
COSAYACH EXPORTADORA SA,	§	
mitsui & CO. (U.S.A.), INC., AND	§	
MARUBENI CORPORATION,	§	
	§	
<i>Defendants.</i>	§	

PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Plaintiff American Iodine Company, Inc. (“American Iodine”) hereby files this notice of voluntary dismissal without prejudice of its claims against Cosayach Exportadora SA (“Cosayach”), Mitsui & Co. (U.S.A.), Inc. (“Mitsui”), and Marubeni Corporation (“Marubeni”) (collectively the “Defendants”), pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) as follows:

1. American Iodine filed this action against the Defendants on July 29, 2020. (Docket No. 10).

2. On September 21, 2020, Defendant Cosayach filed a motion to dismiss against American Iodine pursuant to Rules 12(b)(6). (Docket No. 10). Cosayach, and the other named Defendants, have not filed an answer or a motion for summary judgment herein; therefore, American Iodine has the absolute right to dismiss its suit without prejudice without the need for a court order. FED. R. CIV. P. 41(a)(1)(A)(i); *Carter v. United States*, 547 F.2d 258, 259 (5th Cir. 1977). This is true despite the fact that Defendant Cosayach filed a Rule 12(b) motion. *See id*;

See also Finley Lines Joint Protective Bd. v. Norfolk S. Corp., 109 F.3d 993, 996 (4th Cir. 1997);
See also Aamot v. Kassel, 1 F.3d 441, 444 (6th Cir. 1993).

4. American Iodine Company, Inc. hereby exercises its right to dismiss this case without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

PRAYER

WHEREFORE, American Iodine Company, Inc. dismisses its claims against Defendants without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

Dated: October 12, 2020.

SCHEEF & STONE, LLP

By: /s/ Mark L. Hill

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ATTORNEYS FOR PLAINTIFF

AMERICAN IODINE COMPANY, INC.

CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2020, a true and correct copy of the foregoing document has been sent to the following counsel of record by electronic mail through ECF filing in accordance with the Federal Rules of Civil Procedure and the local rules of the Northern District of Texas.

/s/ Mark L. Hill

Mark L. Hill